

## **REMARKS**

### **Status of the Claims**

Claims 25, 30 – 32, and 34 – 43 were pending. Claims 25, 30 – 32, and 34 – 43 have been subject to restriction. Claims 25, 30 – 32, and 34 – 43 will be pending upon entry of this response.

### **Restriction/Election**

In the Examiner's view, this application contains claims directed to the following patentably distinct species, that is the following polymeric materials:

- (a) polyurethane
- (b) polyvinyl alcohol
- (c) ethylene-vinyl alcohol copolymer

According to the Examiner, “[t]he species are independent or distinct because each of the polymeric materials claimed entail unique characteristics and properties (i.e., different rates of release), which would impart distinct effects and results, dependent upon the particular polymeric material employed.” Thus, the Examiner has required under 35 U.S.C. § 121 that Applicants elect “a single disclosed species, or a single grouping of patentably indistinct species, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.” The Examiner has indicated that currently claim 25 is generic.

### **Applicants' Election**

Applicants elect species (C), an ethylene-vinyl alcohol copolymer, without traverse. Applicants believe that claims 25, 30 – 32, 34, 35, and 38 – 43 read on the elected species.

**Conclusion**

Applicants believe that this response has addressed the Examiner's restriction requirement.

If necessary to ensure a timely response, this paper should be considered as a petition for an Extension of Time sufficient to provide a timely response. The undersigned authorizes the Commissioner to charge any fees that may be required, or credit any overpayment to be made, to the **Squire, Sanders & Dempsey (US) LLP Deposit Account No. 07-1850**.

Should the Examiner have any questions regarding this communication, the Examiner is invited to contact the undersigned at the telephone number shown below.

Respectfully submitted,

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Squire, Sanders & Dempsey (US) LLP  
275 Battery Street, Suite 2600  
San Francisco, CA 94111-3356  
Telephone (415) 954-0397 (direct)  
Telephone (415) 954-0200  
Facsimile (415) 393-9887

By /Gloria M. Gusler, Reg. No. 50,282/  
Gloria M. Gusler, Ph.D.  
Attorney for Applicants  
Reg. No. 50,282